G R S App F IX 4]

1942 -

File No 16-42

Previous References (ML)

Serial Nos 28, 32, 3

ML 16-42-11, 12, 13, 14

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for NW 42

SUBJECT

the election petition relating to the acquisition of certain lands & crops for the Subh Pranay- Scheme

To,

The Compiler, Mys Gazette

L 5145 dt 24 11 42

Notifies the withdrawal from the acquisition proceedings Ram-chan

no Go 1976-8 / ML 16-42-13, 14

The D C Tumkur Rest- The D P I+

L 5-146-47- 708 copies of the above

W 2 1 43

Petition relating to acquisition of certain lands for Gubbi Drainage scheme

General and Revenue Secretariat — File No 16 of 1942-3 — [App F III-2

Serial No

Petition dated 22nd Septr 42 presented by Mr K Rangiengar Advocate, on behalf of the petitioners Messrs - (1) Rangappa (2) Kanbasavayya & (3) Bhandar Huchchha & owners of S. Nos 225/1, 225/2 & 226 respectively protesting against the acquisition of lands in the said S Nos for the Gubbi Drainage scheme.

(1) Summary of the Minister for L S G & P H on the petition —

"There seems to be heart-burning on account of the acquisition of these valuable lands. I am sure it should be possible to acquire other lands leaving the gardens alone. An immediate report may be called in the matter, further proceedings stayed"

(Sd) [illegible]

2 A d/f letter to the Deputy Commissioner, Tumkur, is put up as per orders supra

22/9/42

3) Issued - No C 3309 dt 24/9/42 to the Dy Commr, Tumkur

Calls for a report with connected records

NOTE—Cont Sheet

WD 041 — GPB—55 000—23 10 41

Objection petition relating to the acquisition of
Certain lands required for the Gubbi Drainage Scheme

File No 16 of 1942 — General and Revenue Secretariat

From The D C Tumkur Dt
No A2-C 1153/4243 dt 26 10 42
Forwards a report on the matter
4) The D C's letter which is self explanatory
is for final perusal
5) Further proceedings to acquire the
valuable garden lands urgently required for the
Gubbi Drainage scheme have been stayed as
directed
6) Both the Sanitary Engineer and the S D O
Gubbi are now of the opinion that these lands
are really valuable and need not be acquired.
It appears however that the dry lands comprised
in S No 227 according to the Sketch of the S D O
and S No 228 as stated by the Sanitary Engineer
Has already been acquired and a septic tank
Constructed Hence Fresh proposals
to acquire other lands including the land
on which the septic tank has already been
Constructed (after ascertaining the correct
Survey no are proposed to be submitted,
the lands may acquired in the ordinary usual course,
there is no need for urgent acquisition under
Section 17 of the Mys Land Acquisition Act
7) The D C therefore requests sanction
to withdraw from the acquisition the
properties sanctioned in G O Dt 16/8/42 except

Serial No

Objection Petition relating to the acquisition of certain land required for the Public Drainage (2 Schemes

General and Revenue Secretariat — File No 16 — of 1912 2745/1 — [App F III—2

Serial No	
	The particulars No referred to above which has been acquired It is for orders if the acquisition proceedings have to be withdrawn in respect of S Nos 225/1, 225/2 and 226 only or in respect of all the S Nos Viz 224/1, 224/2, 224/3, 224/4, 225/1, 225/2, 226 and 227 The objection petition is in respect of only the first mentioned S Nos Viz 225/1, 225/2 & 226 It is however clear from the last para of the D.O's letter from to the DC that the acquisition proceedings are proposed to be dropped in respect of all the properties mentioned whose acquisition was sanctioned in G.O 3/14/8/61 except S No 227 already acquired The receipt of revised proposals to acquire some other lands may be awaited submitted
Y	Submitted for orders with reference to the Memo 13/11 Memo No 21962 (at para 1 of the notes) of the Minister for R & D H
	Further proceedings have been stayed in the case as directed by the Govt—
	(1) The D C recommends the withdrawal from acqn of all the S Nos where acqn was sanctioned in G.O dated 14 & 1911 and that fresh

Flag Y

NOTE—Contn sheet

Objection petn relating to the acquisition
of certain lands required for the Gobb

File No 16 Drainage Scheme of 1942

General and Revenue Secretariat

Serial No

proposed would be entirely for the
acqn of the lands actually required
for the purpose of laying drains in the
public thoroughfare. The recommendation
may be approved & the acqn withdrawn
11 In personal orders into respect
para 1 of the note (remitting orders) for

Lawrence) for
14/11/42

SECT LAND 1 1942 GOVT OF INDIA

12/ May be noted accordingly

Noted SG

MM 14/11/42

OFFICE OF THE [illegible] FOR L S G & P H Dat 14 NOV 1942 No 3910

JGC
17.11.42

11/11

Draft note approved
18/11/42

Draft note for perusal & for orders
19/11 A draft endorsement is also submitted for
consideration
20/11

Issue
23/11/42

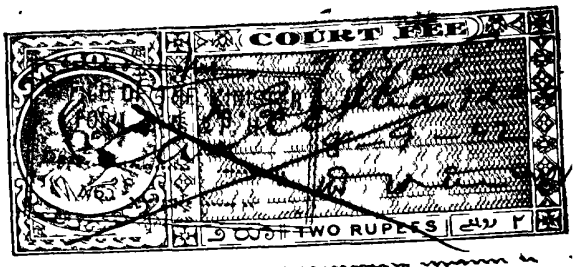
TYPIST 23 NOV 1942 GEN & REV

To the Comptroller,
L 5145 of 24.11.42
Notifies the withdrawal of the
acqn of properties.

Copies to the DC Tiruchirapalli
L 5146-7 of 24/11/42

Endorsement to
Mr K Ranganayagar, Advocate, Tiruchirapalli
Informing that the acquisition of the
properties has been withdrawn as prayed for

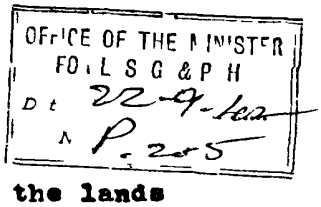
25/11/42



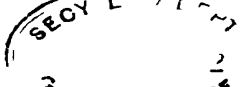
Before the Government of His Highness the

Maharaja of Mysore,

Bangalore.



In the matter of the acquisition of the lands survey numbers 225/1, 225/2 and 226 in Gubbi for drainage work



Petitioners:- (1) Rangappa, son of Huchappa,

(2) KaribasavaiyyaSon of Chennabasiyya,

Bhandi Huchappa son of Chennia

owners of Survey Numbers 225/1, 225/2, 226, respectively.

The petitioners beg to state as follows:-

1 The abovenamed petitioners are the owners of the lands named above.

2 These lands are notified for compulsory acquition for a public purpose to wit, for Cubbi Drainage scheme and the notification of the Govt of Mysore No.L 1983-W116-42-1, of14-8-42 is published in the Mysore Gazette of 3-9-42. It has also been notified that in view of the urgency ofthe case the provisions of section 5-A of the Iand acquisition act shall not apply to the acquisition of these lands, thus depriving the petitioners of the right of showing that these lands are unnecessary to be acquired

3 The assistant commissioner in charge of the Cubbi Sub division has been authorised to take immediate possesion of the lands.

4. The petitioners beg to state that the notificatioj regarding urgency is wrong in law as the lands mentioned herein are neither waste nor arable, for which lands alone the exemption is allowed

5 The lands mentioned in the petition are garden lands containin g valuable garden crop reared for generations as follows:-

S.No.	Betel.	Coconut	areca.	Plantain.
225/1	550	46	440	500

Sno	betel		cocoanut	
225/2	752	50	215	476
226	1207	46	646	570
	2509	142	1301	1546

6 Besides the abovesaid garden crop Item(1) contains a valuable stone well and a mangalore tiled house to the value of 3000 rupees and items (2) & (3) contain a common stone well and a house in (3) valued at 3000 rupees

7 The purpose for which these lands are required is to form a sewage farm and a sewage farm is certainly less valuable than the gardens which the petitioners have grown on these land for generations

8. These gardens are now maintaining a number of families and any compensation the authorities may give will not enable the petitioners tem bring up a garden of the type that now exist on these lands.

9 There are other dry lands which can be acquired for this purpose and it is easy for the authorities to get enough lands for the purpose.

10. From the financial point of view the acquisition would be uneconomic and costly and the public of Gubbi also have lodged their objection in this matter with the Deputy Commissioner

11 An inspection of the spot will easily show how inequitable it is to destroy the existing gardens.

12 The petitioners pray that under these circumstances the notification abovementioned be withdrawn and the authorities concerned directed to make fresh proposals and the petitioners pray that further proceedings now pending be stayed This will not cause any inconvenience as the drainage work has not yet begun in Gubbi.

ಕೋರ್ಟಿಗೆ

1942—1943ನೇ ನಂಬರು

ವಾದಿ ಯಾ ಅರ್ಜಿದಾರ್

1) Ramaiah

ಪ್ರತಿವಾದಿ ಯಾ ಅಪೋನೆಂಟ್

Vs.

K Ram

ವು॥ ಆ॥ ~~ಬೀಳೂರು ಶ್ರೀನಿವಾಸಯ್ಯಂಗಾರ್, ಬಿ ಎ, ಬಿ ಎಲ್~~

,, ಕೆ ಆರ್ ಪಾರ್ಥಸಾರಥಿ, ಬಿ ಎ, ಎಲ್‌ಎಲ್ ಬಿ ಯವರಿಗೆ

Pehl

ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮಾ

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಕ್ಷೈರುವರುವಿಗೂ ಕೋರ್ಟ್‌ನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸುವುದಕ್ಕೂ ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರೀಕ್ರಮ ನಡೆಸಿ ಹಣ ವಸೂಲ್ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ ನನಗೆ ಕೋರ್ಟ್‌ನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು ಶಿಲ್ಕು ಮೊಬಲಗು ಸಹ ಪಡೆಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಖುದ್ದು ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದ್ದೇನೆ

ಚಂದಿರಮ್ಮ ಚಿಕ್ಕೆನರಸು
ರಂಗಮ್ಮನರಸು

ರುಜು

ಸಾ॥ 194

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ಥರಾಗಿ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇನೆ

ವರ ಅಡ್ವೋಕೇಟರು

ಸ ೧೯೪೦ ಇಂಡಿಯನ್ ಪ್ರೆಸ್ ಬೆಂಗಳೂರು ಸಿಟಿ

Appendix F G —1]

SUBJECT

Section

File No

Serial No

Diary No of letter replied to

Immediate

No L 3309

To ec 2

General and Revenue Secretariat

( )

the *194*

70

The Deputy Commr

Tumkur Distt

Date of issue 24 9 42

Sir,

Signed by Mr G R Rao

T S

p' Mukherjee

I am forwarding herewith a copy of the petition together with a printed enclosure presented by Mr K Ranganatha Advocate on behalf of the petitioners - Messrs - (1) Rangappa (2) Kambasavaiya (3) Bhandi Huchappa, owners of S Nos 225/1, 225/2 & 226 respectively in Gubbi protesting against the acquisition of lands in the

List of enclosures

Copied by

Examined by

WD 04161—GPB—60 000—24 10 41

Said Works for the Gubbi
drainage scheme, I am
directed to state that there
seems to be heart-burning
on account of the acquisition
of these valuable lands and that it
should be possible to acquire
other lands, leaving the garden lands alone

I am therefore to request
you to ~~[illegible]~~ arrange to
stay further proceedings
and submit a report to
Govt immediately on
the matter your definite opinion as to the contention of the petitioners in view of their statement that the working of these lands, being garden lands, is entirely dependent upon the supply of water from the existing Kunds

The enclosures may be returned along with the connected records
with your reply

I have, etc

for
for Secretary to Govt
Land Department

C F No 45]

GOVERNMENT OF MYSORE

OFFICE OF
The Deputy Commissioner,
Tumkur District
Tumkur

No A2 C 1153/42-43

Date 26th October 1942

To
C Narayanaswami Naidu, Esq , B A ,B L ,
Secretary to Govt of Mysore,
Law Dept , Bangalore

Sir

Objection petition towards the acquisition of certain lands for the Gubbi drainage scheme

--

With reference to your letter No L 3309 dated the 24th September 1942 on the above subject, I have the honor to state that as directed by Government further proceedings have been stayed in the matter I am enclosing herein a copy of letter No L A C 79-86/42-43 dated the 11th October 1942 from the Assistant Commissioner, Gubbi Sub Division, explaining the circumstances in which action was taken under section 17 of the Land Acquisition Act to proceed to take possession of the properties The Sanitary Engineer, has now sent modified proposals according to which no garden or valuable lands are proposed to be acquired Preliminary notifications in this behalf will be sent separately In this connection, the Sub Division Officer, Gubbi states that a scepti-c tank has already been constructed in S No 227 and hence the acquisition of all other lands may be cancelled In the modified proposals received from the Sanitary Engineer it is stated that a sceptic tank has been constructed in S No 228. The correct S No will be ascertained and the same included in the fresh acquisition proceedings to be adopted In the meanwhile, I request you kindly to obtain the orders of Government to withdraw the acquisition of properties sanctioned in G O No L 1978-81/M1 16-42-12 dated the 14th August1942 The records

accompan

accompany for reference and return

I have the honor to be,
sir,
Your most obedient servant,

Deputy Commissioner,
Tumkur District

AD 26/10

Letter No LAC 79-86/ 42-43 dated 11-10-42 from the Assistant Commissioner ~~Mysore~~, to the Deputy Commissioner, Tumkur Gubbi Sub-Div

====

Subject - Re acquisition of S Nos 225/1, 225/2 and 226 for Gubbi Drainage scheme

--

With reference to your memo No A2 C 1153/42-43 dated 28-9-1942 calling for a detailed report on the petition of Messers Rangappa, Karibasappa and Bandi Hutchappa, owners of S Nos 225/1, 225/2 and 226 of Gubbi village, protesting against the acquisition of these lands for the Gubbi drainage schem , I have the honor to state that as the lands were urgently needed by the Assistant Engineer, Department of Public Health No 1 Sanitary Sub Division, Tumkur, it was thought necessary that acquisition proceedings should be taken under section 17 of the L A Act as the urgency to push through the drainage work was said to be great The Amildar President Town Municipal Council, also reported that after due enquiry in his No O C 41/41 dated 29-4-42 that the acquisition of these lands may be arranged for urgently On a reference being made to Government for emergent acquisition, sanction has been received in Government Order No L 1978-81 M1 16-42-21 dated 14-8-1942 directing that in view of the urgency of the work the acquisition of the properties might be proceeded with under section 17 of the L A Act Subsequent to the receipt of the above order, when necessary proceedings were adopted for acquiring the above lands, the concerned parties appeared before me and most of them gave a statement agreeing to the proposed acquisition except, the owners of S No 224/1, 224/2, 224/3, 225/1 and 225/2 who protested to part with their lands on the ground that they had no other lands to depend upon etc On an inspection of these last mentioned S Nos , it was found that they were really good

good flourising gardens and that it would cause the owners great hardship if these gardens are acquired, I therefore consulted the Assistant Engineer, No 1 Sanitary Sub Dn, Tumkur whether the acquisition of the above gardens could not be avoided and whether it was absolutely necessary to acquire them I was told that in view of the hardship that might be caused to the owners, the acquisition of these lands might be avoided In the mean hile, the Sanitary Engineer, Sanitary Division, Bangalore visited Gubbi on 26-9-1942 when I also accompanied him He inspected the gardens and was of opinion that the lands now proposed for acquisition need not be acquired except S No 227 which is a dry land and in which septic tank is already constructed and that the sewage water might be diverted by means of a channel to be formed in some other S,Nos situated a little beyond the present garden lands He further instructed the Local Assistant Engineer , Tumkur to submit separate proposals according to these instructions after verifying the levels and that till then, the acquisition of the lands under reference might be held in abeyance

It will be seen from the above that although that all the S Nos proposed for acquisition were garden lands, none of the owners took any objection regarding their acquisition, when the preliminary enquiry was conducted and it was at the time of final enquiry that the owners of only three survey numbers referred to above preferred their objections before the undersigned It is true that these gardens are very valuable and it is my opinion also that they need not be acquired As the Sanitary Engineer, Sanitary Division also has formed the same opinion and he has asked the local Assistant Engineer to submit revised proposals for acquiring separate lands (vide his letter No D O 291 dated 21-9-1942) I request

I request that the acquisition of the S Nos noted in the notification No L 1983-M1 16-42-14 dated 14-8-1942 with the exception of S No 227 might be kindly ordered to be dropped for the present, pending receipt of revised proposals from the Sanitary Engineer in the matter The acquisition of S No 227 will be proceeded with after the return of the records as this S No is already taken possession of with the consent of the owner concerned, and as a septic tank is already constructed therein.

The connected records are all enclosed

====

COPY

Deputy Commissioner,
Tumkur District

AD,26/10

Appendix F G —1]

SUBJECT

ale

7 copies

Section ML

File No 16-42

Serial No 32

2 5145

Diary No of letter replied to

No Notification

To

General and Revenue Secretariat

( )

the *194*

Under

Date of issue 24 11 42

Signed by Mrs GRRao

section 48 (1) of the amended Land Acquisition Act 1894 as amended from time to time and the rules framed thereunder, Govt are pleased to withdraw from the acquisition of certain properties required for the drainage scheme of Gubbi town sanctioned in GO No L 19788 ML 16-42-12 Dated 14 8 1942 as the said properties are no longer required for the purpose for which they were originally intended

By order

for Secretary to Govt

Ex Officio Law Deptt

List of enclosures

Copied by

29/11/42

Examined by

Memo

DO

WD 04161—GPB—60 000—24 10 41

The Controller, Mys Gazette for
publication in Part III of the Gaz
and for kindly issuing 40 spare copies
of the Notification each to the Secretariat
and the D.C. Tumkur Dept [illegible]

Memo No L 5146-78 dt 24 11 42

Copy of the above is forwarded w/c
to the D C Tumkur Dist with refce
to the Correspondence ending with his
Letter no A-C 1153/6243 dt 26-10-42
on the subject, for information, with a
request that the submission of the
fresh proposals in this behalf may kindly
be expedited

The records accompany

2) Copy to the Dist [illegible] for info

By order

[illegible]

For Secretary to Govt
Law Dept

Appendix F G —1]

SUBJECT

Section ML

File No 16-42

Serial No 33

Diary No of letter replied to K 5148

Endorsement Granted to

No ~~Mr~~ K Rangaswamy Esq BA, BL,

To Advocate, Tumkur

General and Revenue Secretariat

( )

the 194

Mr K refers to his petition dt 21 9 42 that the ~~request~~ ~~for withdrawal from~~ ~~sale~~ certain lands comprised in S Nos 225/1, 225/2 & 226 in the Gubbi town originally sanctioned for the Gubbi Drainage scheme may be withdrawn for the reasons set forth in his petition, Mr K Rangaswamy is informed that the request as the properties has been withdrawn as per notification No L-5145/ Rev 16-42-32 dt 24 11 42

ate of issue on behalf of Messrs Ramakka, Kuruburaiah, Jagadeva Chetty

m-g o'wo L 1978-81/mL 16-62 12 dt 16/8/42

~~Signed by~~ M V Gopala

By order

for Secretary to Govt

Law Dept

List of enclosures

Copied by

Examined by

WD 04161—GPB—60 000—24 10 41